



CELEBRATING  
55 YEARS

# nerej

## **CAI public policy: Building inspection and structural integrity**

March 01, 2024 - Owners Developers & Managers

Boston, MA The CAI Board of Trustees recently approved an update to the CAI building inspection and structural integrity public policy. These changes reflect recent legislative and advocacy activities across the country, particularly in Florida, New Jersey, Virginia, and Delaware.

### **CAI SUPPORTS LAWS THAT:**

- Provide for ongoing inspections of the structure and façades of a building whose deterioration could have a negative impact on the safety and stability of the structure and endanger the life safety of the occupants of a common interest residential building or a mixed-use building that is, wholly or in part, a common interest residential building.
- Connect owners and/or community associations with funding mechanisms necessary to help finance necessary repairs either as part of maintenance or if discovered during an inspection.

### **RECOMMENDATIONS**

#### **Developer Requirements**

CAI supports legislation that includes the following developer requirements prior to issuance of final certificate of occupancy:

1. Provide a complete set of the final approved architectural and engineering design drawings of the primarily load bearing system and façade used to obtain building permits as well as final certificates of occupancy for the building.
2. Perform ongoing inspections during construction to confirm conformance of the structure and façade to the approved design drawings. Inspections should be conducted by a building official with appropriate qualifications (e.g. an architect or engineer), or a third-party architect or engineer. A certificate of occupancy should not be issued until the individual performing the inspections provides certification that the structure and façade were constructed in conformance with the approved design drawings or with acceptable modifications. If deviations exist, signed, and sealed as-built drawings prepared by an architect or engineer reflecting any deviations and confirming sufficiency of the design must be provided prior to issuance of a certificate of occupancy.

CAI supports legislation that includes the following developer requirements no later than turnover, as part of the disclosure documents:

1. Provide a maintenance plan to the association for the common area components including the structure and façade. The maintenance plan should provide a preventive maintenance schedule and timing for preventive maintenance tasks, including periodic inspections of the structure and façade of the building.
2. Include in the association budget or reserve study, the funds necessary to perform the tasks included within the maintenance plan.
3. Include in the association budget or reserve study, the funds necessary to perform future periodic inspections of the structure and façade.
4. Perform and fund the tasks included within the maintenance plan.
5. Perform and fund any necessary inspections of the structure and/or façade.

## Inspections of Buildings

### Qualifications of inspectors for both structures and facades

Inspections must be conducted by architects or engineers who are experienced with the type of construction being inspected and may include either:

1. A local government building inspector if qualified as an architect or engineer.
2. An architect or engineer retained by the local government building inspector or the building owner.

CAI supports legislation that includes the following structure inspections:

### Standard Protocol for Structure Inspections

The inspection should be performed in accordance with the ASCE Standard SEI/ASCE 11-99 (latest edition) Guideline for Structural Condition Assessment of Existing Buildings or other industry standards. The inspections are identified as the Preliminary Assessments within the guide. If necessary, a Detailed Assessment as defined within the guide may be required as a result of the Preliminary Assessment.

1. The structural report for an initial inspection shall at a minimum:
  - a. Set forth with specificity all corrective maintenance or repairs necessary for the structure along with the estimated cost and timing of same.
  - b. Determine when the subsequent inspection of the structure should be performed.

c. Provide any other information or guidance necessary to maintain the structural integrity of the building.

2. The structural report for subsequent inspections shall at a minimum:

a. Make note of any new or progressive deterioration.

b. Set forth with specificity all corrective maintenance or repairs necessary for the structure, along with the estimated cost and timing of same.

c. Determine when the subsequent inspection of the structure should be performed.

d. Provide any other information or guidance necessary to maintain the structure.

### Frequency of Structure Inspections

If at any time there is concern about the safety or stability of the structure, an inspection should be conducted immediately.

Initial Inspection: The purpose of the initial inspection is to act as a baseline for future inspections as well as to identify issues of immediate and potential concern.

1. For each building where the certificate of occupancy was issued prior to the effective date of the legislation, which are more than 10 years old, an initial inspection of the structure to determine if conditions exist which affect or potentially affect the structural capacity of the system shall take place within

a. Two years after the effective date of the legislation; or

b. 60 days after observable damage to the structure.

2. For each building where a certificate of occupancy was issued after the effective date of the legislation, an initial inspection of the structure should be undertaken within five years after the construction of the building.

Subsequent Inspections: The purpose of the subsequent inspections is to monitor progressive deterioration based on a comparison to the prior inspections. These inspections should identify issues of immediate and potential concern. The inspection should also establish a recommendation for when a subsequent inspection should occur. The next inspection should not exceed 10 years for the first 20 years after construction, and every five years thereafter.

For more information, including façade inspections, communication requirements and funding repair along with a new definition section that establishes common nomenclature as well as modified best

practice recommendations that provide clear guidelines for developers and associations visit [www.caionline.org](http://www.caionline.org).

New England Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540